

February 5, 2003

Dr. Ronald L. Simard
Nuclear Energy Institute (NEI)
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: RESOLUTION OF EARLY SITE PERMIT TOPIC 11 (ESP-11), CRITERIA FOR
DETERMINING ESP DURATION (10-20 YEARS)

Dear Dr. Simard:

This letter confirms our understandings and expectations regarding the duration of early site permits (ESP) issued under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Subpart A. This topic, which is identified as ESP-11 on the list of Nuclear Energy Institute (NEI) generic ESP issues, was discussed during a public meeting on December 5, 2002 (Meeting Summary - ADAMS Accession No. ML023540387). Subsequently, NEI documented its position on this topic in a letter dated December 20, 2002. The staff agrees with NEI's position regarding the requested duration subject to the observations and clarifications stated below.

1. The lead ESP applicants will request a 20-year ESP and will provide the necessary information to support the NRC's staff evaluation of that requested duration.
2. Factors included in the approval of the requested duration include the uncertainties of the application information and data provided (e.g., parameters such as population distributions, man-made hazards) and the uncertainties of the methodologies used to make future projections. The NRC review with respect to time dependent site characteristics will be based on values representative of the end-of-life (i.e., ESP expiration) conditions at the site.
3. The NRC staff will review the subject ESP application information and determine whether the information provided therein supports the acceptability of the requested ESP duration. Pursuant to 10 CFR 52.24, the Commission will issue an ESP in the form, and containing the conditions and limitations, that the Commission deems appropriate and necessary.
4. Should the NRC staff determine that the analysis does not support the requested 20-year time period, the staff will notify the ESP applicant of any concerns in this area in order to provide the applicant with an opportunity to supplement its application. The applicant can either provide additional information to support the full time period requested or amend its application to revise the duration requested. For example, if any of the application information regarding site characteristics (e.g., meteorology, geology) can only be demonstrated to be reliable for an interval less than the requested 20-year time period, the NRC staff will pursue through the request for additional information process reasonable assurance that their determination on those characteristics will be acceptable for the requested ESP duration.

R. Simard

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Please contact Ronaldo Jenkins, the ESP Senior Project Manager, at 301-415-2985 if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

R. Simard

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Please contact Ronaldo Jenkins, the ESP Senior Project Manager, at 301-415-2985 if you have any questions on this matter.

Sincerely,

/RA/

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ESP-Generic

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